

Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 DHA-02 L-03 H-02 /022 R

DRAFTED BY NEA/INS:RFOBER,JR.:SLB

APPROVED BY NEA/INS:RFOBER,JR.

SCA/SCS:JCOMITOR

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R 201709Z AUG 76

FM SECSTATE WASHDC

TO AMCONSUL CALCUTTA

INFO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: CGEN, IN

SUBJECT: DETENTION OF ANADI NAIK

REF: CALCUTTA 1888

1. MRS. PAULA NAIK, AN AMERICAN CITIZEN RESIDENT IN US, HAS WRITTEN THE DEPARTMENT REQUESTING ASSISTANCE IN OBTAINING THE RELEASE OF HER INDIAN CITIZEN HUSBAND, ANADI NAIK, FROM PRISON. IN HER LETTER, SHE EXPRESSES HOPE THE DEPARTMENT CAN PLAY A "MORE ACTIVE ROLE" IN THE CASE. SHE HAS ALSO ENCLOSED A COPY OF AN UNDATED LETTER SHE INDICATES SHE RECENTLY SENT TO THE CONSUL GENERAL ASKING FOR A RENEWAL OF THE POST'S EFFORTS. IN IT SHE EXPRESSES APPRECIATION FOR CONSUL O'NEILL'S EARLIER INQUIRIES TO THE INDIAN AUTHORITIES, AND INDICATES SHE NEVER HEARD FROM THE ORISSA CHIEF SECRETARY WHO PROMISED A REPLY IN OCTOBER 1975.

2. MRS. NAIK ENCLOSED WITH HER LETTER TO THE DEPARTMENT (AND ALSO IN HER UNDATED LETTER TO THE CONSULATE) A LENGTHY STATEMENT DESCRIBING HER HUSBAND'S ACTIVITIES AND

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AFFILIATIONS IN INDIA. IT IS CLEAR FROM HER DESCRIPTION

AND CALCUTTA'S EARLIER REPORTING THAT ANADI NAIK WAS INVOLVED IN A BHOODAN MOVEMENT IN ORISSA AND ACTIVELY PROMOTED THE CAUSE OF OPPOSITION LEADER JAYAPRAKASH NARAYAN. FOR EXAMPLE, HE SERVED ON THE RECEPTION COMMITTEE WHEN NARAYAN VISITED ORISSA AND HAS TRANSLATED A BOOK OF HIS INTO ORIYA. ON JUNE 29, 1975, SEVERAL DAYS AFTER THE IMPOSITION OF THE EMERGENCY HE WAS ARRESTED. MRS. NAIK AND HER DAUGHTER, ALSO AN AMERICAN CITIZEN, RETURNED TO THE U.S. SEVERAL MONTHS AGO.

3. AS THE CONSULATE HAS NOTED, IT CANNOT FORMALLY EXTEND CONSULAR PROTECTION TO A NON-AMERICAN CITIZEN SUCH AS MR. NAIK. HOWEVER, INFORMAL INTERVENTION WITH THE AUTHORITIES OF ORISSA IS JUSTIFIED IN THE DEPARTMENT'S OPINION IN VIEW OF THE AMERICAN CITIZEN STATUS OF ANADI NAIK'S SPOUSE AND CHILD AND HUMANITARIAN CONSIDERATIONS. THE IMPORTANT QUESTION IS WHETHER RENEWED EXPRESSIONS OF OUR INTEREST IN THE CASE WOULD BE HELPFUL TO MR. NAIK AT THIS TIME OR WOULD ONLY HEIGHTEN GOI SUSPICION AND PREJUDICE HIS SITUATION. THE CONSULATE IS IN THE BEST POSITION TO JUDGE, BUT OUR FEELING IS THAT A CONSULAR OFFICER CAN PROPERLY POINT OUT TO INDIAN OFFICIALS THE REASONABLENESS OF A GOVERNMENT'S CONCERN ABOUT THE WELFARE OF TWO OF ITS CITIZENS (MRS. NAIK AND DAUGHTER) WHO HAVE BEEN DEPRIVED OF THEIR MEANS OF SUPPORT. MRS. NAIK'S OWN PREFERENCE AT THIS TIME FOR MORE ACTIVE EFFORTS ON OUR PART, AND THE FACT THAT NO EARLY END TO THE EMERGENCY AND THE POLITICAL DETENTIONS IN INDIA CAN BE FORESEEN ALSO SEEM TO ARGUE FOR A NEW APPROACH.

4. THE DEPARTMENT THEREFORE RECOMMENDS THAT THE CONSULATE AGAIN RAISE THE QUESTION OF ANADI NAIK'S SITUATION, PRESUMABLY AT THE LEVEL OF THE CHIEF SECRETARY. OUR HOPE IS TO OBTAIN A BETTER READING OF HIS SITUATION AND INCREASED AWARENESS BY THE INDIANS OF OUR CONCERN FOR HIS FAIR TREATMENT. IF THE CONSULATE SEES A PROBLEM WITH SUCH AN APPROACH, PLEASE ADVISE. THE QUESTION OF WHETHER IT COULD BE EFFECTIVELY FOLLOWED UP AT A HIGHER LEVEL IN ORISSA OR IN DELHI IS ONE WHICH THE CONSULATE OR THE EMBASSY ALSO MIGHT WISH TO ADDRESS AT AN EARLY POINT. ROBINSON
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: vogelfj
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE207452
Document Source: CORE
Document Unique ID: 00
Drafter: RFOBER,JR.:SLB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760320-0204
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760833/aaaabcch.tel
Line Count: 107
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 CALCUTTA 1888
Review Action: RELEASED, APPROVED
Review Authority: vogelfj
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUN 2004 by buchant0>; APPROVED <06 OCT 2004 by vogelfj>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DETENTION OF ANADI NAIK
TAGS: CGEN, IN, (NAIK, ANADI)
To: CALCUTTA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006